

Message Text

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ACTION L-03

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AMEMBASSY MADRID

INFO AMEMBASSY PARIS

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E.O. 11652: N/A

TAGS: UNGA, PINS

SUBJ: UNGA -- LEGAL COMMITTEE: PROTECTION OF DIPLOMATS

1. AT LEGAL COMMITTEE MEETING OCT 2, CHAIRMAN GONZALEZ-GALVEZ PROPOSED FOLLOWING AS THE 15 MEMBERS OF DRAFTING COMMITTEE ON CONVENTION ON PROTECTION OF DIPLOMATS: COLOMBIA, MEXICO, US, UK, FRANCE, FRG, SWEDEN, BULGARIA, USSR, INDIA, JAPAN, UNITED ARAB EMIRATES, MALI, KENYA, TUNISIA WITH COMMITTEE 6 VICE CHAIRMAN SAHOVIC (YUGO) TO SERVE AS CHAIRMAN. THESE PROPOSALS ACCEPTED BY LEGAL COMMITTEE WITHOUT OBJECTION. GONZALEZ GALVEZ TENTATIVELY SCHEDULED FIRST MEETING DC FOR MORNING OCT 9.

2. UK OPENED DEBATE ON ARTICLE 1 BY INTRODUCING ITS AMENDMENTS TO PARAGRAPH 1(B) OF ARTICLE 1, (A/C.6/L.902). TEXT CONTAINED PARA 2 OF USUN 3581.

3. FRENCH REP (JOUANNEAU) NEEDLESSLY REPEATED FRENCH SKEPTICISM ABOUT THE DESIRABILITY OF ANY CONVENTION ON PROTECTION OF DIPLOMATS. HE THEN PROCEEDED BY UNHELPFULLY RAISING FOLLOWING:

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(A) WHETHER IT DESIRABLE TO COVER ISSUES PERSONS ACCORDED SPECIAL PROTECTION UNDER AGREEMENTS TO WHICH A STATE PARTY TO THE NEW CONVENTION WAS NOT A PARTY.
(COMMENT: THIS WOULD BE SERIOUSLY DETRIMENTAL TO IMPACT OF CONVENTION, MUCH SO THAN LANGUAGE CONTAINED PARA 1 OF USUN 3581 ON "WORLD-WIDE AND REGIONAL AGREEMENTS."
END COMMENT)

(B) WHAT WOULD HAPPEN IF OFFICIAL CONCERNED WAS IN THE SERVICE OF A STATE NOT A PARTY TO THE CONVENTION OR A STATE THAT WAS NOT RECOGNIZED.

(C) APPARENTLY OBVIOUS TO THE BRITISH EXPLANATION OF THE AMENDMENTS, HE ASKED WHAT WAS MEANT BY WORDS "SPECIAL PROTECTION" PERSONAL INVIOABILITY IMMUNITY LIMITED TO ACTS CARRIED OUT IN PERFORMANCE OF FUNCTIONS AS WELL. (DELOFF ASKED JOUANNEAU AFTER MEETING WHETHER THIS WASN'T INCONSISTENT WITH FRENCH STATEMENTS TO US THAT THEY DID NOT PLAN TO TRY TO BLOCK CONVENTION. HE REPLIED THAT HE NOT TRYING TO BLOCK MERELY STATED GOF'S DOUBTS. DELOFF SUGGESTED EFFECT SEEMED THE SAME. HE TOOK POINT AMICABLY AND AGREED BEAR IT IN MIND.)

4. YASSEN (IRAQ) STATED DETAILS OF TIME, PLACE, AND TYPE OF SPECIAL PROTECTION INAPPROPRIATE FOR ARTICLE 1. HE, HOWEVER, THOUGHT THAT SITUATION SOUGHT TO BE ACHIEVED BY UK AMENDMENTS ALREADY IMPLICIT IN PARA 1(B).
COMMENT: THERE THUS APPEARS TO BE LITTLE REAL DIFFERENCE OF SUBSTANCE. END COMMENT
IRAQ ALSO STATED THAT TERM "INTERNATIONAL LAW" ENCOMPASSED BOTH GENERAL INTERNATIONAL AND INTERNATIONAL AGREEMENTS, AND WOULD APPROPRIATELY REPLACE THE CURRENT ILC TEXT. HOWEVER, HE THOUGHT LIMITING PROVISION TO CUSTOMARY INTERNATIONAL LAW AND INTERNATIONAL AGREEMENTS MIGHT CUT OUT SOME OTHER AREAS OF INTERNATIONAL LAW.

5. SPANISH REP PROPOSED AMENDMENTS CONTAINED IN SPANISH COMMENT (P.44 OF A/9127)8

(A) MINISTER FOR FOREIGN AFFAIRS SHOULD BE INCLUDED
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IN PARA (A);
(B) DISTINCTION SHOULD BE DRAWN BETWEEN GOVT OFFICIALS, OFFICIALS OF IOS, WITH COVERAGE OF LATTER TIED TO PERFORMANCE OF FUNCTIONS.
(C) SUFFICIENT TO SAY "PURSUANT TO INTERNATIONAL LAW".
(D) ADD TO PHRASE "MEMBERS OF HIS FAMILY WHO LIKEWISE ENTITLED TO SPECIAL PROTECTION" THE FOLLOWING "FORMING PART OF HIS HOUSEHOLD".

COMMENT: AT INITIAL WEO MEETING SEPT 24 YANEZ BARNUEVO REQUESTED COMMENTS ON SPANISH OBSERVATIONS CONTAINED IN K/9127. DELOFF REQUESTED TO HAVE DETAILED DISCUSSIONS WITH SPANISH REP, SUGGESTING THAT TACTIC OF PRESENTING TOTAL ALTERNATIVE TEXTS FOR EVERY OUTLINE IN DRAFT CONVENTION INADVISABLE BUT THAT MANY OF SUBSTANTIVE POINTS COULD BE ACCOMODATED IN VAN BRUSSELEN GROUP AMENDMENTS. SPANISH REP SAID HE HAD NOT YET STUDIED SPANISH OBSERVATIONS, WHICH WERE PROVIDED BY MADRID, AND PROMISED TO BE BACK TO DELOFF, BUT NEVER WAS. AT DELOFF'S SUGGESTION, AND IN VIEW OF HIS COMMENT AT WEO MEETING, SPANISH REP WAS INVITED TO VAN BRUSSELEN GROUP MEETINGS STARTING OCT 2, BUT DID NOT ATTEND. PRIMARY FUNCTIONS VAN BRUSSELEN IN FORMAL WEO GROUP HAS BEEN TO GO OVER SUGGESTED AMENDMENTS WITH VIEW TO PUTTING IN AS FEW AS POSSIBLE. AFTER MEETING DELOFF APPROACHED YANEZ AND ASKED WHY HE HAD GONE AHEAD AND TABLED WITHOUT CONSULTATION. HE PLEADED INSTRUCTIONS FROM MADRID. DELOFF ASKED WHY HE HADN'T ATTENDED MEETINGS OF VAN BRUSSELEN GROUP. HE REPLIED "I WAS BUSY AND SINCE MY INSTRUCTIONS ARE TO TABLE I SAW NO POINT". DELOFF URGED THAT IF GROUP DID NOT MAKE EFFORT TO COOPERATE THERE WOULD BE NO CONVENTION. DELOFF AND APRIL (CANADA) SUGGESTED IT NOT RESPONSIBLE TO REFUSE TO CONSULT. YANEZ AGREED REPORT CONVERSATION. HE SUBSEQUENTLY INFORMED DELOFF AMB DE PINIES SAID THERE NO SUCH THING AS WEO IN VAN BRUSSELEN GROUP WITH WHICH SPAIN COOPERATES EXCEPT ON QUESTIONS OF CANDIDACY. IT CLEAR SPAIN INTENDS PUSH AHEAD AND SUBMIT PLETHORA OF AMENDMENTS UNLESS INSTRUCTED BY MADRID TO SEEK TO COOPERATE WITH OTHER WEOS. FACT IS THERE NOT MAJOR SUBSTANTIVE DIFFERENCE BETWEEN SPANISH POSITION AND THAT OF GROUP. END COMMENT.

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6. SUGGEST EMBASSY MADRID APPROACH FON OFF AND URGE COOPERATION TO EXTENT POSSIBLE WITH US AND OTHER WEOS IN ORDER AVOID COUNTER-PRODUCTIVE DUPLICATION AND RAISING OF SMALL DRAFTING QUESTIONS IN MANNER LIKELY SERIOUSLY PREJUDICE CHANCES ADOPTING CONVENTION.
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